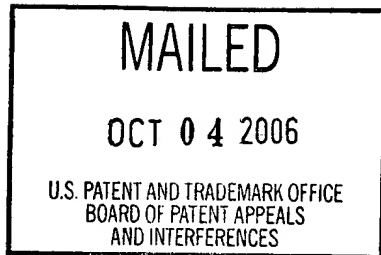


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte DAVID L. BATES,  
JEROME B. GORDON and  
DONALD J. GOODENOW

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Application No. 09/579,407

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on September 22, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

Application No. 09/579,407

On April 7, 2006, the examiner mailed an Examiner's Answer to appellants' brief filed January 19, 2006. A review of the Examiner's Answer reveals that the information contained therein pertaining to the appeals conference is not in compliance with the Manual of Patent Examining Procedure (MPEP) § 1207.01 (Eighth Ed. Rev. 3, August 2005). The MPEP states in part:

An appeal conference is mandatory in all cases in which an acceptable brief has been filed.

On the examiner's answer, below the primary examiner's signature, the word "Conferee should be included, followed by **the typed or printed names** of the other two appeal conference participants. **These two appeal conference participants must place their initials next to their name.** This will make the record clear that an appeal conference has been held. (Emphasis added)

One of the conferees listed in the Examiner's Answer (Hyung Sough), has not signed/initialed next to the typed name as required by MPEP § 1208 as noted above. Correction is required.

Accordingly, it is

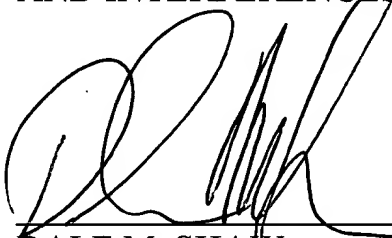
ORDERED that the application is being returned to the examiner:

Application No. 09/579,407

- (a) for the examiner to submit a Revised Examiner's Answer correcting the deficiency of the conferee initialing of printed name,
  - (b) for the examiner to mail a copy of the corrected answer to appellants,
- and
- (c) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
\_\_\_\_\_  
DALE M. SHAW  
Chief Deputy Appeals Administrator  
(571) 272-9797

cc: BOYLE, FREDRICKSON, NEWHOLM,  
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MILWAUKEE WI 53202

DMS/vsh